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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,867	03/14/2001	Rahul Mehra	01110	3394

24118 7590 07/10/2006
HEAD, JOHNSON & KACHIGIAN
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TULSA, OK 74119

EXAMINER
SALCE, JASON P

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,867	MEHRA, RAHUL	
	Examiner	Art Unit	
	Jason P. Salce	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/19/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wasilewski (U.S. Patent No. 5,600,378).

Referring to claim 1, Wasilewski discloses a data processing system for data received by a broadcast data receiver (see decoder 10 in Figure 1).

Wasilewski also discloses that the system comprises a broadcast data receiver provided for receiving multiple transport streams of digital data, which are transmitted from a remote location and may be from different sources (see Column 4, Lines 51-55 for receiving from a satellite feed a data stream, such as a transport stream in MPEG

Art Unit: 2623

format). Also note that such a transport stream contains multiple streams of digital data (see Column 1, Lines 23-25) from different sources (each television program is from a different source).

Wasilewski also discloses that said digital data in each transport stream includes a series of packets of data and provided with associated codes to indicate the type of data, i.e. video, audio and/or auxiliary data (see Column 5, Lines 2-5 for a transport stream carries multiple data packets having PIDs known to contain certain control (auxiliary) data).

Wasilewski also discloses that the receiver is provided with means, which allow the selection and combination of packets of data from the multiple transport streams of data when multiplexed into a single stream of data (see Column 1, Lines 24-27) in response to control commands (see Column 9, Lines 21-23 and Lines 44-53 for providing a means for the receiver to select (tune) and combine packets (with proper PIDs that identify the video selected) of data from the multiple streams of data).

Wasilewski also discloses that the selected packets of data combined from the single stream of data and said single stream of data further processed to generate video and/or audio and/or auxiliary data therefrom (see Column 5, Lines 14-27 for demultiplexing the selected program from the transport stream and upon removal of video, audio or auxiliary data from the transport stream processing and displaying the data to the viewer).

Wasilewski also discloses that each multiple transport stream (see Figure 2 for the NIT which defines the multiple transport streams received by the receiver) of

Art Unit: 2623

data including a transport packet of packet identification codes for each of the packets of data in the stream (see Column 1, Lines 46-67 and Column 2, Lines 1-3 disclosed that a transport stream contains 4 tables that are needed to find and retrieve PIDs (the identification of individual packets) needed to form a program, therefore the PIDs that represent the tables (auxiliary) and audio and video data used to form a program represent the "packet identification codes").

Wasilewski also discloses that a transport stream identification code is added to each of the packets of said received streams of digital data such that said transport stream identification code for each packet allows identification and differentiation of each of the packets, the specific stream of data from which they originate and selection of the appropriate data packets from the said single stream of data received by the receiver (see Column 7, Lines 45-49 for a transport stream ID (TSID) used to define the number of the transport stream carrying the logical channel (channel containing audio and video data packets with the proper PIDs) and further note that PID for each packet identifies and differentiates between each television program, the specific stream that the packets reside in, and selection of the appropriate packets that contain the PIDs which identify a specific program).

Referring to claim 2, Wasilewski discloses that the identification code is located with the transport packet of data (see TSID at Column 7, Lines 45-49 as discussed in the rejection of claim 1), which includes a series of identification codes which contain and provide information relating to the packets of data in that stream of data (see PIDs

at Column 1, Lines 46-67 and Column 2, Lines 1-3 as discussed in the rejection of claim 1).

Referring to claim 3, Wasilewski discloses that the identification code identifies the transport packet of the data stream (TSID) (see Column 7, Lines 45-47 for the TSID identifying the transport packet of the incoming data stream).

Referring to claim 6, Wasilewski discloses that the identification codes for the multiple data streams are stored in a memory device (see Column 4, Lines 65-67 and Column 5, Lines 1-5) and reference to the memory by the receiver allows the identification of each of the data streams with reference to the identification codes accompanying the transmitted data streams (see Column 6, Lines 23-28).

Claim Rejections - 35 USC § 103

3. Claim 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent No. 5,600,378) in view of Robinett et al. (U.S. Patent No. 6,351,474).

Referring to claim 4, Wasilewski discloses all of the limitations in claim 1, but fails to teach that the identification codes are generated by re-using existing, superfluous data bits within the existing transport packet syntax, said bits replaced by the identification code which identifies the streams of data being received.

Robinett discloses a remultiplexing system, which reuses existing data within the existing transport packet syntax, where the bits replaced by the identification code

identifies the data being received by the device, which receives the remultiplexed packets (see Column 4, Lines 62-67 for remultiplexing a TS).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the transport stream, as taught by Wasilewski, using the remultiplexer, as taught by Robinett, for the purpose of minimizing jitter in transport packets (see Column 5, Lines 58-60 of Robinett).

Referring to claim 7, see the rejection of claims 1 and 4 (above) and note that Robinett teaches the additional limitation of receiving and remultiplexing the packets into a different transport stream according to the receiver selection (see the rejection of claim 4). The examiner notes that the amended claim limitations of, "with reference to packet identification codes for that transport stream of data and the steps are repeated for each of data packets which are required to form the single stream of data", read on the PMT disclosed by Wasilewski at Column 1, Line 63 through Column 2, Line 3. Also note that the amended claim limitation of, "said packets of data possibly being located in any of the received transport streams of data" is not positively recited by the use of the term "possibly", therefore the system is not required to perform this function, however, packets are received in transport streams, as disclosed by Wasilewski at Column 7, Lines 42-49.

Claim 8 corresponds to claim 7, where Wasilewski discloses that the particular data packet is selected from the selected transport stream of data with reference to the PID (see PIDs at Column 1, Lines 46-67 and Column 2, Lines 1-3 as discussed in the rejection of claim 1).

Claim 9 corresponds to claim 7, where Wasilewski discloses that the selection of the data packet can only be made from the transport stream of data identified by the TSID (see Column 7, Lines 45-47 for the TSID identifying the transport packet of the incoming data stream).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce

Application/Control Number: 09/805,867
Art Unit: 2623

Page 8

Primary Examiner
Art Unit 2623

July 5, 2006

A handwritten signature in black ink, appearing to read "James", with a long horizontal line extending from the end of the signature.